

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 42ND		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: B. Graves Reporter/Tape: K. Garcia, D. Dedmon Bailiff: H. Franco, G. Ozburn, J. Capriola		Date: April 11, 2005
		Department: 53 Time: 9:00 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA Defendant: Marcus Delon Wesson	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
--	---	---	--

Pursuant to adjournment of April 7, 2005, Court reconvenes at 9:00 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Kristi Garcia, Court Reporter, is present at 9:00 a.m.

Detective Michele Ochoa, Fresno Police Department, having been previously sworn, resumes the witness stand at 9:00 a.m. for the continued playing of Peoples exhibit 694(A)(Cassette tape 2 - Interview of Elizabeth Wesson on March 13, 2004).

The jury returns to the courtroom at 9:00 a.m., and the trial continues with the playing of Peoples exhibit 694(A)(Cassette tape 2 - Interview of Elizabeth Wesson on March 13, 2004). The tape concludes at 9:23 a.m.

Lisa Gamoian, Chief Deputy District Attorney, shows Peoples exhibit 693 to Detective Michele Ochoa at 9:25 a.m. Peoples exhibit 693 is opened and 3 cassette tapes are removed and marked as follows:

PEOPLES EXHIBIT 693(A)(CASSETTE TAPE 1 - INTERVIEW OF ELIZABETH WESSON ON MARCH 22, 2004) MARKED FOR IDENTIFICATION.

PEOPLES EXHIBIT 693(B)(CASSETTE TAPE 2 - INTERVIEW OF ELIZABETH WESSON ON MARCH 22, 2004) MARKED FOR IDENTIFICATION.

PEOPLES EXHIBIT 693(C)(CASSETTE TAPE 3 - INTERVIEW OF ELIZABETH WESSON ON MARCH 22, 2004) MARKED FOR IDENTIFICATION.

Detective Michele Ochoa, Fresno Police Department, identifies Peoples exhibits 693(A), 693(B) and 693(C) as the cassette tapes of the interview of Elizabeth Wesson on March 22, 2004. Lisa Gamoian, Chief Deputy District Attorney, plays Peoples exhibit 693(A)(Cassette tape 1 - Interview of Elizabeth Wesson on March 22, 2004), to the jury beginning at 9:28 a.m.

The Court admonishes the jury and stands in recess at 10:20 a.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 10:40 a.m.

The jury returns to the courtroom at 10:40 a.m. with Detective Michele Ochoa, Fresno Police Department, remaining on the witness stand while Peoples exhibit 693(A)(Cassette tape 1- Interview of Elizabeth Wesson on March 22, 2004), continues to play for the jury. Cassette tape 1 concludes at 11:35 a.m.

Peoples exhibit 693(B)(Cassette tape 2 - Interview of Elizabeth Wesson on March 22, 2004) is played to the jury beginning at 11:36 a.m.

The Court admonishes the jury and stands in recess at 12:00 noon.

Deputy Henry Franco notifies the Court and respective counsel that Juror #6 would like to speak to the Court.

Court Reporter Kristi Garcia replaces Denise Dedmon at 12:01 p.m.

"In Camera" hearing is held in chambers at 12:01 p.m. with Lisa Gamoian, Chief Deputy District Attorney, is present on behalf of the People. Peter Jones, Chief Deputy Public Defender, and Rafael Torres, Deputy Public Defender are present and defendant, Marcus Delon Wesson is present via an electronic listening device. Juror # 6 is also present and states to the Court that she is not feeling well and is having chest pains. Juror #6 request to be released to go the the doctor. The Court releases Juror #6 and requests to be notified of condition.

The juror return to the courtroom at 12:05 p.m. and the Court releases them until April 12, 2005 at 9:00 a.m.

Outside the presence of the jury, the Court informs respective counsel that he has reviewed Defendants exhibit JJ.

The Court is adjourned at 12:10 p.m.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County.

ooOoo